



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,636	03/10/2004	Bradley A. Paulson	3136.03US02	4740

24113 7590 06/21/2005

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER

SCHILLING, RICHARD L

ART UNIT PAPER NUMBER

1752

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797636

Applicant(s)

Paulson et al

Examiner

RL Schilling

Group Art Unit

1752

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5-19-05
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-14 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-14 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

1. Claims 3, 4 and 7-14 are rejected under 35 U.S.C. § 102(b) as being fully met by Polykarpov et al. '520 for the same reasons as set forth in paragraph No. 2 of the first Office action filed November 19, 2004. Applicants' argument that Polykarpov et al. disclose developing microcapsule sheets and then laminating is unconvincing. Polykarpov et al. disclose elements comprising unexposed microcapsule imaging layers sealed between two supports. The two supports are laminated together to form a photosensitive sealed element which is then exposed.

2. Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Polykarpov et al. '520 and Anderson et al. Polykarpov et al. '520 discloses identification documents made from self-contained sealed microcapsule imaging elements as explained in paragraph 1 above but does not disclose the use of outer layers to prevent static. However, Anderson et al. (see particularly column 4, lines 5-20; column 9, lines 35-67; column 14, lines 47-65) discloses self-contained elements comprising microcapsule layers sealed between two supports like the elements in Polykarpov et al. Anderson et al. further teaches adding back coats to their second opaque supports of their sealed microcapsule elements to reduce static when stacked elements are moved. Therefore, it would be obvious to one skilled in the art to use outer backing layers on

the second supports of the sealed microcapsule elements of Polykarpov et al. in order to prevent static when the elements are moved.

3. Claims 1, 2 and 7-14 are rejected under 35 U.S.C. § 102(b) as being fully met by Anderson et al. Anderson et al. (see particularly column 4, lines 5-20; column 7, lines 43-48; column 8, lines 21-36; column 9, lines 35-67; column 12, lines 25-62; column 14, line 47 - column 15, line 9) disclose sealed imaging elements comprising first supports, subbing layers, non-activated imaging layers with microcapsules, adhesive layers and second supports wherein the first and second supports are sealed together. Anderson et al. also discloses the use of outer backing layers on the second supports of the sealed microcapsule elements in order to prevent static when the elements are moved.

The elements in Anderson et al. meet all of the material requirements of the elements set forth in the instant claims and may inherently be used for identification.

4. Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Polykarpov et al. '520, Koshizuka et al. and Bernecker. As explained in paragraph 1 above, Polykarpov et al. disclose identification elements of self-contained imaging elements comprising sealed first and second supports and intermediate imaging layers containing

photosensitive microcapsules which are not yet exposed. Koshizuka (see particularly column 1, line 5- column 2, line 5) and Bernecker (see particularly column 4, lines 37-53; column 1, lines 8-30) disclose that identification elements may contain integrated circuit security features. Since Koshizuka et al. and Bernecker disclose that identification documents including those with photographic images may contain integrated circuits as security features, it would be obvious to one skilled in the art to use integrated circuits as additional security features in the identification badges of Polykarpov et al. Locating the integrated circuit on or in the second opaque supports of the elements of Polykarpov et al. would be obvious to one skilled in the art so that the integrated circuits do not interfere with light exposure or viewing.

5. Applicants' argument that the microcapsule elements of Camillus et al. '451 are imaged prior to laminating into ID card elements is true. While Camillus et al. does disclose sealed elements comprising unexposed microcapsules, it is, at best, cumulative to Polykarpov et al. '520 and is no longer relied on as a reference. In view of the amendments to the claims, Camillus et al. has been replaced by Polykarpov et al. '520 in the 35 U.S.C. § 103 rejections.

6. Applicants' amendment necessitated the new grounds of

Art Unit 1752

rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (571) 272-1335.

RLSchilling:cdc

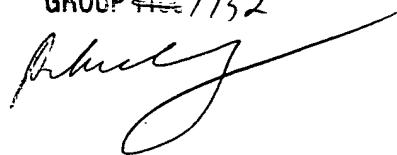
Serial No. 10/797,636

-6-

Art Unit 1752

June 15, 2005

RICHARD L. SCHILLING
PRIMARY EX
GROUP 1752

A handwritten signature in black ink, appearing to read 'Richard L. Schilling', written over the printed name and group number.